

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Jose Reyes :

Petitioner, :

-v- :

United States of America :

Respondent, :  
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JED S. RAKOFF, U.S.D.J.

07 Civ. 10943 (JSR)

02 Cr. 0914 (JSR)

ORDER

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1-22-08</u></p>
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On July 15, 2002, petitioner plead guilty before the undersigned to Information 02 Cr. 0914 (JSR), charging the petitioner with various counts of racketeering activity and murder/kidnapping. Because of prospective cooperation, sentencing was scheduled for a year later, specifically for July 3, 2003.

However, on December 26, 2002 petitioner filed a motion (Court document number 5 in 02 Cr. 914) to have the case transferred to Judge Scheindlin, who was scheduled to resentence petitioner in a different case, 94 Cr. 0872-01 (SAS). Initially the Court denied the motion (see Court document number 6 in 02 Cr. 914), but thereafter on January 15, 2003, after consultation with Judge Scheindlin, the Court vacated the denial and granted the petitioner's motion to have his case transferred to Judge Scheindlin (Court document number 7 in 02 Cr. 0914). While docketing this order the Clerk's Office, through a ministerial error, never noted the transfer of this case to Judge Scheindlin's docket. Nonetheless, Judge Scheindlin recognizing the transfer, sentenced petitioner on this case on August 5, 2003 and signed a judgment reflecting same (Court document number 13 in 02 Cr. 914).

On December 3, 2007 petitioner filed a petition, 07 Civ. 10943, seeking to vacate the sentence imposed by the Judge Scheindlin in this case, 02 Cr. 0914. Because the Clerk's Office had neglected to make the prior transfer of the case to Judge Scheindlin, the motion was referred to the undersigned.

Accordingly, the Clerk's Office is hereby directed to (a) record the transfer of case 02 Cr. 0914 to Judge Scheindlin effective January 15, 2003, and (b) reassign the pending petition, 07 Civ. 10943, to Judge Scheindlin's docket.

SO ORDERED.

  
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JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
January 18, 2008